

CONVENTION

BETWEEN

HIS MAJESTY GEORGE V

Of the United Kingdom of Great Britain and Ireland and of the
British Dominions beyond the Seas, King, Emperor of India

AND THE

UNITED STATES OF AMERICA

For the Protection, Preservation, and Propagation of the Salmon Fisheries
of the Fraser River System.

PRINTED BY ORDER OF PARLIAMENT



OTTAWA

J. DE LABROQUERIE TACHÉ

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1919

CONVENTION

HIS MAJESTY GEORGE V

Of the United Kingdom of Great Britain and Ireland and of the
British Dominions beyond the Seas, King, Emperor of India

AND THE

UNITED STATES OF AMERICA

For the Protection, Preservation, and Propagation of the Salmon Fisheries
of the Fraser River System.

PRINTED BY ORDER OF PARLIAMENT



OTTAWA

PRINTED TO THE KING'S MOST EXCELLENT MAJESTY
BY THE PARLIAMENTARY PRESS

1913

100-10101

CONVENTION BETWEEN HIS MAJESTY GEORGE V OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, OF THE BRITISH DOMINIONS BEYOND THE SEAS, KING, EMPEROR OF INDIA, AND THE UNITED STATES OF AMERICA, PROVIDING EFFECTIVE MEASURES FOR THE PROTECTION, PRESERVATION AND PROPAGATION OF THE SALMON FISHERIES OF THE FRASER RIVER SYSTEM.

His Majesty George V, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Emperor of India, and the United States of America, equally recognizing the desirability of uniform and effective measures for the protection, preservation, and propagation of the salmon fisheries in the waters contiguous to the United States and the Dominion of Canada, and in the Fraser River System, have resolved to conclude a convention for this purpose, and have named as their Plenipotentiaries:

His Britannic Majesty, the Honourable Ronald Lindsay, his charge d'affaires at Washington, and the Honourable Sir John Douglas Hazen, a Knight Commander of the Most Distinguished Order of St. Michael and St. George, Chief Justice of New Brunswick, and a member of his Privy Council for Canada, and the President of the United States of America, the Honourable Robert Lansing, Secretary of State of the United States of America.

Who, having exhibited their full powers, found to be in due form, have agreed to and signed the following articles:—

ARTICLE 1.

The times, seasons, and methods of sockeye-salmon fishing in the waters specified in Article III of this Convention, and the nets, engines, gear apparatus, and appliances which may be used therein, shall be limited to those which are specified in the regulations appended hereto, and, or which may be specified in revised, modified, or substituted regulations provided for in Article VI and promulgated in accordance with the terms of Article II.

ARTICLE II.

The High Contracting Parties engage to put into operation and enforce by legislative and executive action, with as little delay as possible, the provisions of this convention and said regulations, and the date when the said regulations shall be put into operation shall be fixed by concurrent proclamations of the President of the United States and of the Governor General of the Dominion of Canada in Council. Each of the High Contracting Parties may, by appropriate legislation, provide for the trial, conviction, and punishment within its jurisdiction of any person found there who has contravened any of the provisions of this convention, and, or said regulations within the jurisdiction of the other High Contracting Party, and who has not been punished for such offence within the latter jurisdiction.

ARTICLE III.

It is agreed that the provisions of this convention and of said regulations shall apply to the waters included within the following boundaries:—

10 GEORGE V, A. 1919

Beginning at Carmanagh Lighthouse on the southwest coast of Vancouver Island, thence in a straight line to a point three marine miles due west astronomic from Tatoosh Lighthouse, Washington, thence to said Tatoosh Lighthouse, thence to the nearest point of Cape Flattery, thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Quimper Peninsula, thence in a straight line to Point Partridge or Whidbey Island, thence following the western shore of the said Whidbey Island, to the entrance of Deception Pass, thence across said entrance to the southern side of Reservation Bay, on Fidalgo Island, thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough in line with the track of the Great Northern Railway, thence northerly following the shore line of the mainland to Point Grey at the southern entrance to Burrard Inlet, British Columbia, thence in a straight line to the southern end of Gabriola Island, thence to the southern side of the entrance to Boat Harbour, Vancouver Island, thence following the eastern and southern shores of the said Vancouver Island to the starting point at Carmanagh Lighthouse, as shown on the United States Coast and Geodetic Survey Chart No. 6300, as corrected to July 20, 1918, and also the Fraser River and its tributaries.

The High Contracting Parties engage to have prepared, as soon as practicable, charts of the waters described in this article, with the international boundary line indicated thereon; and to establish such buoys and marks for the purposes of this convention as may be recommended by the commission referred to in Article IV.

ARTICLE IV.

The High Contracting Parties agree to appoint, within two months after the exchange of ratifications of this convention, a commission to be known as the International Fisheries Commission, consisting of four persons, two to be named by each party. This commission shall continue to exist so long as this convention shall be in force. Each party shall have the power to fill, and shall fill, from time to time, any vacancy which may occur in its representation on the commission. Each party shall pay its own commissioners, and any joint expenses shall be paid by the two High Contracting Parties in equal moieties.

ARTICLE V.

The International Fisheries Commission shall conduct investigations into the life history of the salmon, hatchery methods, spawning-ground conditions, and other related matters, and shall observe the operation of the said regulations appended hereto, and shall recommend to their respective Governments any modifications of, additions to, or substitutions for the appended regulations which may be found desirable.

ARTICLE VI.

The regulations appended to this convention shall remain in force for a period of eight years from the date of their promulgation, as provided in Article II, and thereafter until one year from the date when either of the High Contracting Parties shall give notice to the other of its desire for their revision, or until the termination of this convention, whichever shall first occur. Immediately upon such notice being given, the International Fisheries Commission shall proceed to make a revision of said regulations, which revised regulations shall be incorporated in a special agreement between the High Contracting Parties. It is understood that such special agreement shall on the part of the United States be made by the President of the United States, by and with the advice and consent of the Senate thereof. Such special agreement shall be binding only when confirmed by the two Governments by an exchange of notes. Such special agreement shall be promulgated as provided in Article II hereof,

SESSIONAL PAPER No. 96

and shall remain in force for a period of five years and thereafter until one year from the date when a further notice of revision is given as above provided in this article, or until the termination of this convention, whichever shall first occur.

It shall, however, at any time, be in the power of the High Contracting Parties by special agreement upon the recommendation of the International Fisheries Commission, to make modifications of, additions to, or substitutions for any of the regulations in force, and (or) to make the provisions of this convention, and any regulations promulgated in accordance with the terms thereof, operative in the waters specified in Article III of this convention, as to any or all of the other species of salmon, including steelhead. It is understood that such special agreement shall on the part of the United States be made by the President of the United States, by and with the advice and consent of the Senate thereof. Such special agreement shall be binding only when confirmed by the two Governments by an exchange of notes. Such special agreement shall be promulgated as provided in Article II hereof.

ARTICLE VII.

This convention shall remain in force for a period of fifteen years, and thereafter until two years from the date when either of the High Contracting Parties shall give notice to the other of its desire to terminate this convention.

ARTICLE VIII.

The present convention shall be duly ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged at Washington as soon as practicable.

In FAITH WHEREOF, the respective plenipotentiaries have signed the present convention in duplicate and thereunto affixed their seals.

Done at the City of Washington this second day of September, in the year one thousand nine hundred and nineteen.

R. C. LINDSAY. [SEAL.]

J. D. HAZEN. [SEAL.]

ROBERT LANSING. [SEAL.]

APPENDIX.

INTERNATIONAL REGULATIONS FOR THE PROTECTION AND PRESERVATION OF THE SOCKEYE SALMON FISHERIES OF THE FRASER RIVER SYSTEM.

SECTION 1.

The following regulations shall apply to the waters described in Article III of the convention of September 2, 1919, between the United States and Great Britain, to which these regulations are appended, to wit:—

Beginning at Carmanagh Lighthouse on the southwest coast of Vancouver Island, thence in a straight line to a point three marine miles due west astronomic from Tatoosh Lighthouse, Washington, thence to said Tatoosh Lighthouse, thence to the

10 GEORGE V, A. 1919

nearest point of Cape Flattery, thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Quimper Peninsula, thence in a straight line to Point Partridge on Whidbey Island, thence following the western shore of the said Whidbey Island to the entrance to Deception Pass, thence across said entrance to the southern side of Reservation Bay, on Fidalgo Island, thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough in line with the track of the Great Northern Railway thence northerly following the shore line of the mainland to Point Grey at the southern entrance to Burrard Inlet, British Columbia, thence in a straight line to the southern end of Gabriola Island, thence to the southern side of the entrance of Boat Harbour, Vancouver Island, thence following the eastern and southern shores of the said Vancouver Island to the starting point at Carmanagh Lighthouse, as shown on the United States Coast and Geodetic Survey Chart No. 6300, as corrected to July 20, 1918, and also the Fraser River and its tributaries.

SECTION 2.

DEFINITIONS.

“Drift net” shall mean a floating gill net that is neither anchored nor staked, but that floats freely with the tide or current.

“Trap net” shall include a pound net.

“Commission” shall mean the International Fisheries Commission, appointed under the convention to which these regulations are appended.

“Treaty waters” shall mean all waters described in Article III of the convention to which these regulations are appended.

SECTION 3.

(a) Fishing for sockeye salmon in the treaty waters within territorial limits of the State of Washington, shall not be permissible except under license from such State, and in the treaty waters of Canada except under license under the provisions of the Fisheries Act of Canada.

(b) No greater number of licenses for any class of fishing appliance shall be authorized in any year in the treaty waters within the territorial limits of the State of Washington than were issued for such class for the season of 1918, up to August 31, inclusive thereof, and in the treaty waters of Canada the number of gill nets that may be licensed in any year shall not exceed 1,800.

(c) No license shall be granted to any person or partnership in the State of Washington unless such person or each member of such partnership shall be an American citizen, resident in said State, and no license shall be granted to any joint-stock company or corporation in said State, unless the officers, directors, and the holders of a majority of the stock hereof, are American citizens, or unless it is authorized to do business in the said State; and no license shall be granted to any person, company, or firm in the Province of British Columbia, unless such person is a British subject resident in the said Province, or unless such company or firm is a Canadian company or firm or is authorized by the Provincial Government to do business in the said Province of British Columbia.

(d) No one other than a British subject who owns or leases land on either side of the Fraser River above New Westminster Bridge, and who actually permanently resides on, and is cultivating such land, shall be eligible for a license to fish for sockeye salmon between New Westminster Bridge and Mission Bridge, but fishing under such license shall not be carried on below New Westminster Bridge.

SESSIONAL PAPER No. 96

SECTION 4.

The use of nets other than drift nets, purse seines, and trap nets shall not be permitted in treaty waters for the capture of sockeye salmon.

SECTION 5.

No net fishing or fishing of any kind, other than with hook and line, except for hatchery purposes or scientific purposes, shall be permissible in the Fraser River above the down-river side of Mission Bridge.

SECTION 6.

During the years 1920 to 1927, both years inclusive, no one shall fish for, catch, or kill any salmon from the 20th day of July to the 31st day of July in each year, both days inclusive; and during this close time no nets or appliances of any kind that will capture salmon may be used in these treaty waters: *Provided, however,* That salmon fishing for hatchery or scientific purposes may be authorized during this period.

SECTION 7.

The weekly close time for salmon fishing shall be from six o'clock a.m. Saturday, to six o'clock p.m. Sunday, in Canadian waters, excepting in that portion of the Fraser River between New Westminster Bridge and Mission Bridge, where the weekly close time shall be from six o'clock a.m. Saturday to six o'clock p.m. on the following Monday, and in the treaty-waters of the United States from Friday at four o'clock p.m. to Sunday at four o'clock a.m., and during this close time no salmon fishing of any kind other than for hatchery or scientific purposes shall be permissible, and during the full period of each weekly close time or annual close season, each trap net shall be closed by an apron placed across the outer entrance to the heart of the trap, which apron shall extend from the surface to the bottom of the water and shall be securely connected to the piles on either side of the heart of the trap net, fastened by rings not more than two feet apart on taut wires stretched from the top to the bottom of the piles, and such apron, or the appliance by which it is raised and lowered, shall be provided with a signal or flag, which shall disclose whether the trap net is closed, and which shall be of the form and character approved by the commission; *Provided,* That in addition to the foregoing requirement, such trap net shall be equipped with a V-shaped opening, to the satisfaction of the commission, and in the lead of such trap net next to the entrance to the heart and immediately adjacent to the apron, of at least ten feet in width at the top and extending below the surface at least four feet below low water, which V-shaped opening shall remain open and unobstructed during the full period of each weekly close time or annual close season. For the purposes of assuring full compliance with this regulation, the owner or operator of each trap net shall constantly maintain during the weekly and annual close times a watchman, whose duty it shall be to cause each trap net to be kept closed and the lead to be kept open, as above provided.

SECTION 8.

All salmon trap nets shall be limited to a total length of twenty-five hundred feet, with an end passageway of at least six hundred feet between one trap net and the next in linear series, such distances being measured in continuation of the line of direction of the leader of such trap net, but in no instance shall more than two-thirds of the width of any passageway at any point be closed by trap nets. There shall also be a lateral distance of at least twenty-four hundred feet between one trap net and the next.

10 GEORGE V, A. 1919

SECTION 9.

A salmon purse seine shall not exceed nineteen hundred linear feet in length, including the lead and attachment, measured on the cork line when wet.

SECTION 10.

(a) No purse seine shall be cast or placed in the water for fishing purposes within twenty-four hundred feet of any trap net.

(b) The use of purse seines for the capture of sockeye salmon shall be confined to the treaty waters southward and westward of a straight line drawn from the lighthouse on Trial Island, British Columbia, to the northwest point of Whidbey Island, State of Washington.

SECTION 11.

A salmon drift net shall not exceed nine hundred linear feet in length, and the vertical breadth thereof shall not exceed sixty meshes, and the size of the mesh shall not be less than five and three-fourths inches, extension measure, when in use.



